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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,330	09/30/1999	JASON T. CASSEZZA	INTL-0268-US	5219

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EXAMINER

DELA TORRE, CRESCELLE N

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/409,330

Applicant(s)

JASON T CASSEZZA

Examiner

Crescelle N dela Torre

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-26 are pending in this application. Claims 1, 10, and 19 are independent claims.

The present title of the invention is "Controlling Audio Volume in Processor-Based Systems".

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20, 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. patent 5,191,620).

As per claim 1, Lee teaches a method for "controlling volume level of sound for a display" comprising:

obtaining an indicia of the volume level of audio received by the system, with the input discrimination step 11, at figure 2, and column 2, lines 35-37;

comparing the indicia to a preset level, with the maximum-discrimination step 13 or minimum-discrimination step 16, at figure 2; and

automatically adjusting the volume level towards the preset level, with the bar-increment step 12, and bar-decrement step 15, at figure 2.

As to claim 2, Lee teaches a high volume preset level, with a maximum level, at step 13, and a low volume preset level, with a minimum level, at step 16, and adjusting the volume level to a level between the high and low levels, with the bar-increment step 12, or bar-decrement step 15, at figure 2.

Regarding claim 3, Lee teaches receiving and using audio from a remote control unit, by "receiving a key-input of a transmitter 1" at figure 1.

In reference to claim 4, Lee teaches a graphical user interface, with on-screen display at figures 3(A), 3(A'), and allowing a user to input the preset level, at column 2, lines 32-34.

As to claim 5, Lee teaches generating sounds of increasing volume and receiving a user selection of a desired volume level, at column 2, lines 37-38.

As per claim 6, Lee describes correlating a time period when user selection was received, with step 19, at figure 2, and recording the volume level, with steps 14, 17, also at figure 2.

Regarding claim 7, Lee teaches adjusting the volume level when the volume level exceeds the preset level, with steps 13, 16, at figure 2.

In addition, Lee teaches a remote control unit [claim 8] at a location remote from the system [claim 9] with transmitter 1, at figure 1.

Claims 10-17 correspond respectively to claims 1-8.

As to claim 18, Lee teaches producing sounds of decreasing volume until the user has selected the preset volume level, at column 2, lines 48-52.

As per claim 19, Lee teaches a processor, storage, and sound generating circuit, at figure 1, and software to control the generated sound in accordance with a preset volume limit, with the input discrimination routine 100, at figure 2.

Lee shows a transceiver and a remote control unit [claim 20] with transmitter 1, at figure 1.

Claims 23 and 25 are respectively similar to claims 4 and 2.

As to claim 26, Lee provides for increasing or reducing the volume level near the minimum and maximum values, at figure 2.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. patent 5,191,620) in view of Fado et al (U.S. patent 6,067,084).

As to claim 21, Lee does not teach a microphone for receiving sounds generated by a sound generating circuit. However, the use of microphones for receiving

Art Unit: 2173

generated sounds are known in the art. For instance, Fado et al, hereinafter Fado, teach configuring microphones in an audio interface, with a "first graphical user interface prompting user selection and connection of a microphone" at column 3, lines 5-9. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a microphone in the invention of Lee as in Fado because it provides an alternative means for receiving audio information.

As to claim 22, Lee teaches communication signals, at figure 1.

Regarding claim 24, Lee teaches generating time-spaced tones and selecting a tone volume, at column 3, lines 1-10.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Li et al (U.S. patent 5,265,246) describe a graphic definition of range.

Bryan Jr et al (U.S. patent 5,559,301) teach an interface for a sound processing system.

Mundt et al (U.S. patent 5,640,176) provides user interface for setting computer speaker volume.

Shinada et al (U.S. patent 5,940,517) and Jeong et al (U.S. patent 6,256,027) teach sound-volume display units.

Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*C. de la Torre*  
CRESCELLE N. DELA TORRE  
PRIMARY EXAMINER  
12/14/01